

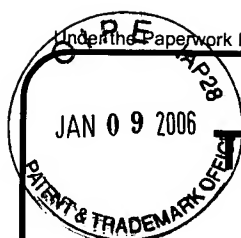
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TRANSMITTAL FORM

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Total Number of Pages in This Submission	Application Number	10/691,718
	Filing Date	10/22/2003
	First Named Inventor	Tatta
	Group Art Unit	3632
	Examiner Name	K. H. Chan
	Attorney Docket Number	Tatta-3

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	LaMorte & Associates
Signature	
Date	12/28/2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tatta

Serial No.: **10/691,718**

Filed: **October 22, 2003**

**For: MOUNTING DEVICE AND METHOD
FOR ATTACHING AN ELECTRONIC TOLL
PASS ASSEMBLY TO A VEHICLE
WINDSHIELD**

Examiner: **K. H. Chan**

Group Art Unit: **3632**

Date: **December 28, 2005**

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December 28 2005

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[Signature] 12-1281-05

Mail Stop -Amendment
Commissioner of Patents and Trademarks

REPLY TO RESTRICTION REQUIREMENT/ ELECTION OF SPECIES

Sir:

Pursuant to the Office Action dated November 28, 2005 and received in regard to the above-identified application, please enter the following amendments and remarks.

Provisional Election Of Claims

The Applicant selects the Method claims, Claims 9, 11-15 for the purposes of examination, with traverse.

Provisional Election Of Species

The Applicant elects the species set forth in Fig. 3 of the application.
Pending Claims 1-9, 11-13, and 15 read upon the species of invention shown in Fig. 3.

This election is also made with traverse. It is believed that the method claim of Claim 9 is generic to all illustrated species.

TRAVERSAL OF RESTRICTION REQUIREMENT

The Applicant believes the Examiner's restriction to be improper.

This application has already been examined. The Examiner performed a search and examined **ALL** of the claims on the merits.

The Applicant has already amended the claims in view of the search and examination that was performed by the Examiner.

MPEP 803 states that **"if the search and examination of an entire application can be made without serious burden, the examiner MUST examine it on the merits, even though it includes claims to distinct or independent inventions."**

In the present case, the application has already been searched and the claims examined. If the search and examination has already occurred, how can these actions possibly present be a serious burden ?

The Examiner need only apply the search and the previous examination to the amended claims.

Since it is clear that the examination of all the pending claims will not burden the Examiner, the restriction criteria set forth in MPEP 803(2) has not been met and the restriction requirement is improper.

The Examiner is therefore respectfully requested to withdraw the restriction.

TRAVERSAL OF ELECTION

MPEP 808.02(3) states **"where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions."**

In the present case, the Examiner has already searched all species. There was one search. The Examiner's own actions show that there is only one field of search for all species. The request for an election is therefore unjustified and should be withdrawn.

III. SUMMARY

The application has already been search by the Examiner and examined on the merits. The Applicant has already amended the application in view of the Examiner's search and examination. The request to restrict claims and selection species at this point in the examination cycle is without justification.

If there is a problem or if the Examiner has any questions regarding this application, the Examiner is requested to call the applicant's attorney at (215) 321-6772 in order that any outstanding issues may be resolved without the necessity of issuing a further Office Action.


Respectfully Submitted,

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